

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Anthony Leon Campbell,

Plaintiff,

vs.

Chuck Barney, Mayor of Minot, Leann
Bertsch, Director, Department of
Corrections and Rehabilitation, Steve
Kukowski, Sheriff and Jail Commissioner,
Ward County, and Paul Othoff, Commander,
Ward County Jail,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 4:15-cv-141

The Plaintiff, Anthony Campbell, is an inmate at the Ward County Jail in Minot, North Dakota. On November 2, 2015, Campbell initiated a *pro se* civil rights action alleging the Defendants are depriving him of “adequate public health and welfare conditions while imprisoned at the Ward County Jail.” See Docket No. 7.

After screening the complaint as required by 28 U.S.C. § 1915(A)(a), Magistrate Judge Charles S. Miller, Jr. issued a Report and Recommendation on March 11, 2016, in which he recommended that the Court permit Campbell to proceed with his “conditions-of-confinement” claims against Defendant Kukowski and Othoff in their official capacities, but limited at this point to: a) exposure to allegedly toxic black mold; b) being forced to sleep on bedding that is unsanitary; c) being forced to wear clothes that are unsanitary; and d) having to drink water that is contaminated and unfit to drink. See Docket No. 11, pp. 13-14. Judge Miller’s report also recommended the remaining claims against Defendants Kukowski and Othoff be dismissed without prejudice. Further, Judge Miller’s report recommended Defendants Bertsch and Barney be dismissed without prejudice. Because Campbell is incarcerated, the time for filing objections

to the report was extended until April 5, 2016. An objection to the Report and Recommendation was filed on April 1, 2016. See Docket No. 12.

The Court has carefully reviewed Judge Miller's Report and Recommendation, the objection to the Report and Recommendation, the relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 11) in its entirety. Campbell is allowed to proceed with his "conditions-of-confinement" claims against Defendant Kukowski and Othoff in their official capacities, but limited at this point to: a) exposure to allegedly toxic black mold; b) being forced to sleep on bedding that is unsanitary; c) being forced to wear clothes that are unsanitary; and d) having to drink water that is contaminated and unfit to drink. The remaining claims against Defendants Kukowski and Othoff are to be **DISMISSED WITHOUT PREJUDICE**. Defendants Bertsch and Barney are to be **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated this 5th day of April, 2016.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court